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February 28, 2022

VIA ECF

Hon. Analisa Torres
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *Cazé D. Thomas v. Five Star Electric, et al.*, 18-cv-3691 (AT)(RWL)

Dear Judge Torres:

We represent Defendant Five Star Electric ("Five Star") with regard to the above referenced matter. As you know, on by Order issued on February 1, 2022, this Court stated this case pending outcome of the related administrative proceeding pending before the New York State Division of Human Rights ("Division"), and ordered that a status report be provided to this Court by the earlier of March 1, 2022 or within seven days of the dismissal of the Division proceedings. (ECF Doc. No 104). In accordance with such Order, we write to provide the Court with an update on the status of the Division proceedings, and to request a brief extension of time for Five Star to provide this Court with a report on the impact a dismissal of the Division proceedings may have on the motions pending before Your Honor.

On January 28, 2022, we informed this Court of certain developments occurring in the related matter pending at the New York State Division of Human Rights, specifically that on an Administrative Law Judge with the Division issued a Recommended Order of Annulment of Election of Remedies ("Recommended Order") as relates to Plaintiff's request for an annulment of the complaint that he had previously filed with the Division. The parties to the Division proceedings had until February 14, 2022 to file objections to the Recommended Order with the Division. Five Star did not file any objection and, to our knowledge, neither did Plaintiff. Although no objections were filed, the Recommended Order will not become a final order of the Division until it is adopted by the Commissioner of the Division. To our knowledge, to date the Commissioner of the Division has not adopted the Recommended Order and has not issued a final order of dismissal. We have not received any such order from the Commissioner as of the writing of this letter.

The Recommended Order does not have a substantive impact on the motions currently pending before this Court unless or until it is adopted by the Commissioner of the Division.

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As noted above, no objections to the Recommended Order were filed and we thus presume that the Commissioner may ultimately adopt it and dismiss the Division proceedings. However, since that has not yet occurred and is not guaranteed, and considering the possibility that the Commissioner of the Division could issue an order that differs from the Recommended Order, we respectfully request an extension of the date by which Five Star must provide this Court with a report on the impact such an order would have on the motions currently pending before this Court. Five Star does not know when the Commissioner may rule on the Recommended Order,¹ and thus respectfully requests permission to submit such a report to this Court within one week of when the Commissioner's order is issued.

Respectfully submitted,

BOND, SCHOENECK & KING, PLLC



Jessica C. Moller

GRANTED. Within seven days of the dismissal of the administrative proceeding or by **April 1, 2022**, whichever is earlier, Defendant Five Star Electric shall provide the Court with a status letter regarding the dismissal of the administrative proceedings and its impact on the pending motions.

The Clerk of Court directed to mail a copy of this Order to Plaintiff *pro se*.

SO ORDERED.

Dated: March 1, 2022
New York, New York



ANALISA TORRES
United States District Judge